

20.12.2021
Court No.01
Item No. 41

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

**CRM 1184 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Boxirhat Police Station Case No. 280 of 2021 dated 30.08.2021 under Sections 498A/306/34 of the Indian Penal Code.

And

In Re: **Biswajit Saha & Anr.**

Petitioners

Ms. Suman Sehanabis (Mondal)
Ms. Mousumi Das

For the Petitioners

Mr. Abhijit Sarkar
Mr. B. Roy

For the State

The learned Counsel for the petitioners submits that the petitioner no.1 is the husband and petitioner no.2 is the mother-in-law of the victim and have been falsely implicated in the instant case.

The learned Counsel for the State has produced the case diary and opposes the prayer for anticipatory bail and draws our attention to the statement of individual witness recorded under Section 161 of the Code of Criminal Procedure appearing at pages 14, 15 and 16 of the case diary. The learned Counsel for the State further submits that the father-in-law of the victim was granted statutory bail.

Having considered the materials available in the case diary and the nature and extent of complicity of the petitioner no.2 in the commission of the alleged offence, we are of the view that custodial interrogation of the petitioner no.2 is not necessary and the petitioner no.2 may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, **Draupadi Saha**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and the petitioner no.2 shall cooperate with the investigation.

The application for anticipatory bail of the petitioner no.1 is rejected and the application for anticipatory bail of the petitioner no.2 is allowed.

CRM 1184 of 2021 is accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J)

(Soumen Sen, J)